

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GREGORY L. CASTAPHNEY,
Petitioner,

V.

LOUIS FOLINO,
Respondent.

2:05cv1455
Electronic Filing

O R D E R

AND NOW, this 28 day of November, 2005, after a petition for a writ of habeas corpus was filed by the petitioner, Gregory L. Castaphney, and after the Report and Recommendation of the United States Magistrate Judge was issued, and the petitioner was granted ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, including his desire to file an original petition in the United States Court of Appeals for the Third Circuit, and after independent review of the petition and the record, and upon consideration of the Report and Recommendation of the Magistrate Judge,

IT IS ORDERED that the petition of Gregory L. Castaphney for a writ of habeas corpus is dismissed without prejudice, so that he can file an original petition in the United States Court of Appeals for the Third Circuit.

Dolores

David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell
United States Magistrate Judge

Gregory L. Castaphney
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